

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

SETTLEMENT DATE:
July 24, 2020 at Noon

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Chapter 11

In Re:

CORT & MEDAS ASSOCIATES, LLC,

Debtor.

Case No.: 19-41313-cec

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NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE, that the within Order will be presented to the Honorable Carla E. Craig, United States Bankruptcy Judge, at the United States Bankruptcy Court, United States Bankruptcy Judge, United States Bankruptcy Court, Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800, on the 24th day of July, 2020 at noon ("Settlement Date") for signature and entry.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the entry of the Order shall be in writing, shall identify the name of the objecting party and shall specify the basis for such objections including any points and authorities in support thereof, and shall be filed with the Clerk of the Court, with a copy to chambers, provided, however, that pursuant to general order No. M-182 re Electronic Case Filing Procedures (as amended from time to time), entities with Internet access shall file objections (formatted with Adobe Acrobat, rider 3.0) at <http://www.nyeb.uscourts.gov>, and served so as to be received by the attorneys for the Debtor, Shafferman & Feldman LLP 137 Fifth Avenue, 9th Floor, New York, New York 10010, Attn: Joel M. Shafferman, Esq., so that they are actually received by 5:00 p.m. on June 29, 2015.

PLEASE TAKE FURTHER NOTICE, that if no objections are received the order may be signed.

DATED: New York, New York
July 20, 2020

SHAFFERMAN & FELDMAN LLP

Counsel for the Debtor

137 Fifth Avenue, 9th Floor

New York, New York 10010

(212) 509-1802

By: /S/ Joel Shafferman

Joel M. Shafferman (JMS-1055)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

Chapter 11

CORT & MEDAS ASSOCIATES, LLC,

Case No.: 19-41313 (CEC)

Debtor.

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**ORDER WITH RESPECT TO THE CLAIMS OF 1414
UTICA AVENUE LENDER LLC AND EMPIRE STATE
CERTIFIED DEVELOPMENT CORPORATION**

Upon the application of 1414 Utica Avenue Lender LLC (ö1414 Lenderö), dated May 12, 2020, seeking the entry of an Order (i) pursuant to 11 U.S.C. §§ 101(5), 105(a), 501(a) 502(a) and Federal Rules of Bankruptcy Procedure 3001, 3007, 3012 (a) declaring that 1414 Lender is the holder of Claim No. 7-1 (ö1414 Lenderö Claimö) pursuant to, inter alia, that first lien mortgage encumbering the real property of the Debtor commonly known as 1414 Utica Avenue, Brooklyn, New York (the öPropertyö), (b) which is entitled to payment prior in time to any claim (or lien) of mortgagee, Empire State Certified Development Corporation (öESCDCö), and to the extent that this Court determines that ESCDC should otherwise be entitled to payment on account of the proof of claim filed by ESCDC (Claim No. 6-1) (öESCDCö Claimö) prior in time to that of 1414 Lender, alternatively, (c) determining that the amount of the ESCDC Claim to be entitled priority as of March 31, 2020 was not more than \$154,995.00, and (ii) granting 1414 Lender such further and different relief as the Court may deem just and proper [ECF Doc#111 & 112] (the öMotionö); and ESCDC having filed a response to the Motion on June 17, 2020 [ECF Doc#116] (the öESCDC Responseö); and 1414 Lender having filed a reply to the ESCDC Response on June 24, 2020 [ECF Doc#121]; and upon all the pleadings and proceedings had in this case; and upon the record of the hearing held on

June 24, 2020 with regard to the Motion; and after due deliberation and sufficient cause appearing therefor; and for the reasons set forth on the record at the hearing, which are hereby incorporated by reference as the Court's findings of fact and conclusions of law;

IT IS HEREBY:

ORDERED, that the Motion be, and is hereby DENIED to the extent set forth herein; and it is further

ORDERED, that 1414 Lender's Claim is senior to ESCDC's Claim with respect to principal and non-default rate interest; and it is further

ORDERED, that 1414 Lender remains bound by the terms and conditions of the Third Party Lender Agreement, dated December 29, 2009 (the "Intercreditor Agreement"), and is therefore subordinated to the ESCDC as set forth in the Intercreditor Agreement; and it is further

ORDERED, that the portion of 1414 Lender's Claim relating to default interest, in the amount of \$569,204.10, is subordinated to ESCDC's Claim pursuant to the terms of the Intercreditor Agreement; and it is further

ORDERED, this Court retains jurisdiction to resolve all matters arising under or related to this Order, and to interpret, implement, and enforce the provisions of this Order.

